

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

JERRY LEE EDWARDS,

Plaintiff,

VS.

KUKUA, *et al*,

Defendants.

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CIVIL ACTION NO. C-09-147

ORDER ADOPTING MEMORANDUM AND RECOMMENDATION
TO GRANT DEFENDANT'S SECOND MOTION TO DISMISS


On September 24, 2010, United States Magistrate Judge Brian L. Owsley signed a Memorandum and Recommendation recommending that defendant's second motion to dismiss for failure to state a claim (D.E. 59) be granted, and that plaintiff's action be dismissed with prejudice. On November 10, 2010, defendant filed Objections to the Magistrate's Recommendations.

Having reviewed the findings of fact and conclusions of law therein, as well as the pleadings on file and defendant's objections, and having made a *de novo* disposition of those portions of the Magistrate Judge's recommended disposition to which objections were raised, *see Koetting v. Thompson*, 995 F.2d 37 (5th Cir. 1993), 28 U.S.C. § 636(b)(1)(C); Fed.R.Civ.P.72(b), the Court hereby adopts as its own the findings and conclusions of the Magistrate Judge.

Accordingly, it is ORDERED that defendant's second motion to dismiss for failure to state a claim is granted and plaintiff's action is dismissed with prejudice.

The clerk shall enter this order and provide a copy to all parties.

SIGNED and ORDERED this 18th day of November, 2010.



Janis Graham Jack
United States District Judge